



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Yoshinari MORIMOTO

On Appeal from Group: 3735

Application No.: 10/625,778

Examiner: J. HUFFMAN

Filed: July 24, 2003

Docket No.: 116571

For: INK JET PRINTER IN WHICH A BEST TEST PATTERN PRINTED ON A  
RECORDING MEDIUM IS AUTOMATICALLY SELECTED

**REPLY BRIEF**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

The following remarks are directed to the arguments raised in the Examiner's Answer dated June 5, 2007. Applicants respectfully request reconsideration and prompt reversal of the outstanding rejections at least in light of the following remarks.

**REMARKS**

Claims 1, 3, 5, 6, and 23 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,454,390 (Takahashi) in view of U.S. Patent No. 6,215,562 (Michel).

Each of pending claims 1 and 23 require reprinting the selected best test pattern from the scanned-in test patterns on the printing medium. The combination of Takahashi and Michel fails to disclose, teach, or suggest at least this feature.

As acknowledged by the Examiner's Answer, Takahashi fails to disclose this feature (Examiners Answer, p. 5). The Examiner's Answer thus alleges that Michel may be relied on for the teaching of reprinting a "best test pattern," based on its alleged disclosure of reprinting a test patch that is selected by the user ("selected patch"), but which is not the best test patch that is used to calibrate the printer (Examiner's Answer, p. 7). However, the disclosure of Michel relied on by the Examiner's Answer would not even have motivated the skilled artisan to modify the method of Takahashi to reprint the selected patch on a same printing medium, as required by claims 1 and 23, for at least the following two reasons.

First, Michel discloses that every time a color patch and a brightness patch are selected by the user, a new Gray Balance page is reprinted with the selected color patch, as the middle patch 125 (C7/L3-6 and L39-40, and FIGS. 3A-3B). This reprinted Gray Balance page is different from the previously printed page. Specifically, according to the method of Michel, a Gray Balance page is printed (FIG. 3A, step 310). Then, the user selects which of the patches is closest to the gray that surrounds all of the patches (C7/L1-2). Upon selection, a new Gray Balance page is printed with the selected patch as the middle patch (C7/L3-6 and FIG. 3A, Step 312). This process may be repeated (C7/L6-7). The reason that this iterative process is used is to allow a user to visually select the patch (Abstract). Importantly, before the Gray Balance page is reprinted on the separate page, the user is required to enter a selection indicating which of the patches is closest to the gray that surrounds all of the patches.

The skilled artisan would have immediately recognized based on the above disclosure of Michel that Michel teaches that the selected pattern must be reprinted on a separate page to allow the user to recognize and enter their selection of the selected patch prior to the reprinting of that selected patch.

Were the above teaching incorporated into a method in which patches are reprinted on a same printing medium, it would be very, very difficult, if not impossible, for the selection of a patch in the interval between printings on the same medium. For example, once a set of patches was printed, a user would have to somehow evaluate the patches while the printing medium remains in the printer, and enter a selection of a patch, all before the next set of patches was printed on the same medium. Applicants respectfully submit that the skilled artisan would have immediately recognized the insurmountable problems associated with such a combination.

Second, the skilled artisan would have immediately recognized that there is no reason to modify the method of Takahashi to include an iterative reprinting of the selected pattern as taught by Michel. Specifically, the reason that an iterative process is used in Michel is to allow a user, who's ability to accurately detect differences between patches is much less accurate than expensive measuring instruments, to visually select the patch (Abstract).

The method of Takahashi utilizes expensive measuring instruments such as sensor group 130 and controller 100. Importantly, the skilled artisan would have recognized based on the disclosure of Takahashi that the sophisticated measuring instruments of Takahashi are capable of accurately recognizing subtle differences in the printed patterns without utilizing a

more time and resource intensive iterative reprinting of previously selected patterns (see C39/L53 - C40/L7 disclosing that an offset of less than 0.25 dots may be recognized). Thus, the skilled artisan would not have been motivated to modify the method of Takahashi to incorporate an iterative process, as an iterative process would be unnecessary for use with the sophisticated measuring instruments of Takahashi.

Because the skilled artisan would have recognized that (1) Michel teaches that the selected pattern must be reprinted on a separate page to allow the user to enter their selection of the selected patch prior to the reprinting of that selected pattern, and (2) reprinting of selected patches is unnecessary when using sophisticated measuring instruments, the skilled artisan would not have been motivated to incorporate the teachings of Michel into the method of Takahashi. Thus, the Examiner's Answer fails to provide explicit "articulated reasoning with a rational underpinning" to support its legal conclusion of obviousness. *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350, slip op. at 14 (U.S. April 30, 2007), citing *In re Khan*, 441 F.3d 997, 998 (Fed. Cir. 2006).

#### CONCLUSION

The Honorable Board is requested to reverse the rejections set forth in the Final Rejection and direct the Examiner to pass this application to issue.

Respectfully submitted,

  
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JAO:JOC/lbg

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